

THE NATIONAL ARCHIVES
LITTERA
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MANET
FEDERAL REGISTER
OF THE UNITED STATES
1934

VOLUME 5
NUMBER 161

Washington, Saturday, August 17, 1940

Rules, Regulations, Orders

TITLE 7—AGRICULTURE

CHAPTER VII—AGRICULTURAL ADJUSTMENT ADMINISTRATION

[ACP-122]

PAYMENTS UNDER THE SOIL CONSERVATION AND DOMESTIC ALLOTMENT ACT, AS AMENDED, AND STATUTES AUTHORIZING PARITY PAYMENTS

By virtue of the authority vested in the Secretary of Agriculture by section 7 of the Act entitled, "An Act to amend the Soil Conservation and Domestic Allotment Act, as amended, the Agricultural Adjustment Act of 1938, as amended, and for other purposes", approved July 2, 1940 (Public Law No. 716, 76th Congress, 3d Session), I, H. A. Wallace, Secretary of Agriculture, do make, prescribe, publish, and give public notice of the following regulations governing payments of amounts due persons under the Soil Conservation and Domestic Allotment Act, as amended, and statutes authorizing parity payments, who die, disappear, or are declared incompetent, subsequent to the date of approval hereof, to be in force and effect until amended or superseded by regulations hereafter made by the Secretary of Agriculture under said provisions of law.

Done at Washington, D. C., this 16th day of August 1940. Witness my hand and the seal of the Department of Agriculture.

[SEAL]

H. A. WALLACE,
Secretary.

PART 716—REGULATIONS PERTAINING TO PAYMENTS OF AMOUNTS DUE PERSONS UNDER THE SOIL CONSERVATION AND DOMESTIC ALLOTMENT ACT, AS AMENDED, AND STATUTES AUTHORIZING PARITY PAYMENTS, WHO HAVE DIED, DISAPPEARED, OR HAVE BEEN DECLARED INCOMPETENT

§ 716.1 *Definitions.* Person, when relating to one who dies, disappears, or becomes incompetent, prior to receiving payment, means a person who has filed an application for a payment pursuant to

any statute authorizing parity payments, or who has filed an application for, or taken an assignment of, a payment pursuant to Section 8 of the Soil Conservation and Domestic Allotment Act, as amended.

Payment means a payment pursuant to Section 8 of the Soil Conservation and Domestic Allotment Act, as amended, or any statute authorizing parity payments.

§ 716.2 *Death.* Where any person who is otherwise eligible to receive a payment dies before the payment is received, payment may be made upon proper application therefor, without regard to claims of creditors other than the United States, in accordance with the following order of precedence:

(1) To the administrator or executor of the deceased person's estate.

(2) If there is no administrator or executor and none is expected to be appointed, or if an administrator or an executor was appointed but the administration of the estate is closed (a) prior to application, pursuant to these regulations, for the issuance of a check to such administrator or executor or (b) prior to the time when such check issued to such administrator or executor is cashed, to the surviving spouse.

(3) If there is no surviving spouse, to the sons and daughters in equal shares. Children of a deceased son or daughter of a deceased person shall be entitled to their parent's share of the payment, share and share alike. If there are no surviving direct descendants of a deceased son or daughter of such deceased person, the share of the payment which otherwise would have been made to such son or daughter shall be divided equally among the sons and daughters of such deceased person who are alive or who have surviving direct descendants.

(4) If there is no surviving spouse and no direct descendant, payment shall be made to the father and mother of the deceased person in equal shares, or the whole thereof to the surviving father or mother.

(5) If there is no surviving spouse, no direct descendant, and no surviving parent, payment shall be made to the brothers and sisters of the deceased person in

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equal shares. Children of a deceased brother or sister shall be entitled to their parent's share of the payment, share and share alike. If there are no surviving direct descendants of the deceased brother or sister of such deceased person, the share of the payment which otherwise would have been made to such brother or sister shall be divided equally among the brothers and sisters of such deceased person who are alive or who have surviving direct descendants.

(6) If there is no surviving spouse, direct descendant, parent, or brothers or



Published daily, except Sundays, Mondays, and days following legal holidays by the Division of the Federal Register, The National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500), under regulations prescribed by the Administrative Committee, approved by the President.

The Administrative Committee consists of the Archivist or Acting Archivist, an officer of the Department of Justice designated by the Attorney General, and the Public Printer or Acting Public Printer.

The daily issue of the **FEDERAL REGISTER** will be furnished by mail to subscribers, free of postage, for \$1.25 per month or \$12.50 per year; single copies 10 cents each; payable in advance. Remit money order payable to the Superintendent of Documents directly to the Government Printing Office, Washington, D. C.

sisters or their descendants, the payment shall be made to the heirs-at-law.

Legally adopted children shall be entitled to share in any payment in the same manner and to the same extent as other children. If any person who is entitled to payment under the above order of precedence is a minor, payment of his share shall be made to his legal guardian, but if no legal guardian has been appointed payment shall be made to his natural guardian or custodian for his benefit, unless the minor's share of the payment exceeds \$500, in which event payment shall be made only to his legal guardian. Any payment which the deceased person could have received may be made jointly to the persons found to be entitled to such payment or shares thereof under this section, or, pursuant to instructions issued by the Agricultural Adjustment Administration, a separate check may be issued to each person entitled to share in such payment.

§ 716.3 Disappearance. In case any person otherwise eligible to receive payment disappears before receiving the payment, such payment may be made upon proper application therefor, without regard to claims of creditors other than the United States, to one of the following in the order mentioned:

- (1) The conservator or liquidator of his estate, if one be duly appointed.
- (2) The spouse.
- (3) An adult son or daughter or grandchild for the benefit of his estate.
- (4) The mother or father for the benefit of his estate.
- (5) An adult brother or sister for the benefit of his estate.

A person shall be deemed to have disappeared if (1) he has been missing for a period of more than three months, (2) a diligent search has failed to reveal his whereabouts, and (3) such person has not communicated during such period with other persons who would be expected to have heard from him. Proof of such disappearance must be presented

to the county committee in the form of an affidavit executed by the person making the application for payment, setting forth the above facts, and must be substantiated by an affidavit from a disinterested person who was well acquainted with the person who has disappeared.

§ 716.4 Incompetency. Where any person who is otherwise eligible to receive a payment is adjudged incompetent by a court of competent jurisdiction before the payment is received, payment may be made, upon proper application therefor, without regard to claims of creditors other than the United States to the guardian or committee legally appointed for such incompetent person. In case no guardian or committee has been appointed, payment, if not more than \$500, may be made without regard to claims of creditors other than the United States to one of the following in the order mentioned for the benefit of the incompetent person:

- (1) The spouse.
- (2) An adult son, daughter, or grandchild.
- (3) The mother or father.
- (4) An adult brother or sister.
- (5) Such person as may be authorized under State law to receive payment for him (see standard procedure prescribed for the respective region).

In case payment is more than \$500, payment may be made only to such person as may be authorized under State law to receive payment for the incompetent.

§ 716.5 Signatures and authorizations. The provisions of ACP-16, "Instructions on Signatures and Authorizations in Connection with the Execution of Applications for Payment or Related Papers under the Agricultural Conservation Program", are hereby made a part of these regulations.

§ 716.6 Form of application. Persons desiring to claim payment in accordance with the foregoing may do so on Form ACP-103, "Application for Payment of Amounts Due Producers Who Have Died, Disappeared, or Have Been Declared Incompetent." If the person who died, disappeared, or was declared incompetent, (a) carried out his farming operations in the Insular Region, Part II of Form ACP-103 shall be executed by a local representative of the Insular Division; (b) becomes entitled to payment under the Naval Stores Conservation Program, Part II of Form ACP-103 shall be executed by the local District Supervisor of the United States Forest Service. Claims filed on Standard Form 1055, "Application for Payment of Amounts Due Deceased or Incompetent Civilian Employees, Officers and Enlisted Men in the Military Service, and Public Creditors of the United States", shall be acceptable, provided all the data required by these regulations are included.

[F. R. Doc. 40-3426; Filed, August 16, 1940; 11:33 a. m.]

[40-Tob-42, Supplement 2]

PART 727—FLUE-CURED TOBACCO

1940-41 MARKETING YEAR

Marketing Quota Regulations,¹ Flue-Cured Tobacco—1940-41 Marketing Year are hereby amended by striking out § 727.154 and inserting in lieu thereof the following:

§ 727.154 Dealers exempt from regular records and reports. Any dealer who does not purchase or otherwise acquire leaf tobacco except at a warehouse sale and who does not resell, in the form in which tobacco ordinarily is sold by farmers, more than ten percent of the tobacco purchased by him, shall not be subject to the provisions of § 727.153 of these regulations.

Any dealer purchasing scrap tobacco directly from farms for which within quota marketing cards have been issued shall not be required to keep a dealer's record, or to prepare bills of nonwarehouse sale to validate the memoranda of sale issues with respect to such scrap tobacco, if such person delivers such scrap tobacco directly to regular receiving points, but the dealer operating the receiving point to which such scrap tobacco is delivered shall keep records and make reports with respect to such scrap tobacco on Form 40-Tob-35, "Dealer's Record."

Every dealer and every person operating on behalf of a dealer shall keep such records and make such reports to the Secretary of Agriculture as the Chief of the Marketing Quota Section may request.

Done at Washington, D. C., this 16th day of August 1940. Witness my hand and the seal of the Department of Agriculture.

[SEAL]

H. A. WALLACE,
Secretary.

[F. R. Doc. 40-3427; Filed, August 16, 1940; 11:33 a. m.]

TITLE 8—ALIENS AND CITIZENSHIP

CHAPTER I—IMMIGRATION AND NATURALIZATION SERVICE

[Sixth Supplement to General Order No. C-2]

DISCONTINUANCE OF CROSEY MUNICIPAL AIRPORT AS A DESIGNATED PORT OF ENTRY FOR ALIENS ARRIVING BY AIRCRAFT

JULY 15, 1940.

Pursuant to the authority contained in section 7 (d) of the Air Commerce Act of 1926 (Act of May 20, 1926, 44 Stat. 572; 49 U.S.C. 177 (d)) and section 1 of Reorganization Plan No. V (5 F. R. 2223), the designation of Crosby Municipal Airport, Crosby, North Dakota, as a temporary port of entry for aliens arriving in the United States by aircraft is rescinded, effective at the close of business June 27, 1940.

¹ 5 F. R. 2501.

Section 3.3 (b), Title 8, Code of Federal Regulations (Rule 3, subdivision A, paragraph 3 (b) of the Immigration Rules and Regulations of January 1, 1930, Edition of December 31, 1936) is amended by striking Crosby, North Dakota, Crosby Municipal Airport from the list of temporary ports of entry for aliens arriving by aircraft.

For the Attorney General:

[SEAL] MATTHEW F. MCGUIRE,
The Assistant to the
Attorney General.

Approval recommended:

LEMUEL B. SCHOFIELD,
Special Assistant to the Attorney
General.

[F. R. Doc. 40-3420; Filed, August 15, 1940;
4:55 p. m.]

TITLE 16—COMMERCIAL PRACTICES

CHAPTER I—FEDERAL TRADE COMMISSION

[File No. 21-353]

PART 149—RESISTANCE WELDER MANUFACTURING INDUSTRY

Promulgation of Trade Practice Rules

At a regular session of the Federal Trade Commission held at its office in the City of Washington, D. C., on the 8th day of August, A. D. 1940.

Due proceedings having been held under the trade practice conference procedure in pursuance of the Act of Congress approved September 26, 1914, as amended (Federal Trade Commission Act), and other provisions of law administered by the Commission;

It is now ordered, That the trade practice rules of Group I and Group II, as hereinafter set forth, which have been approved and received, respectively, by the Commission in this proceeding, be promulgated as of August 16, 1940.

Statement by the Commission

Trade practice rules for the Resistance Welder Manufacturing Industry, as hereinafter set forth, are promulgated by the Federal Trade Commission under its trade practice conference procedure.

The rules are directed to the prevention of various unfair competitive methods or practices and the protection of industry, trade, and the public from their harmful effects. The provisions of the rules as promulgated apply to the sale and distribution, by manufacturers, distributors, or others, of resistance welding machines and of parts and equipment therefor. Such machines are used to weld metal parts by means of resistance effected through the application of high-powered electric current. This type of welding is extensively employed in steel mills, in the manufacture of automobiles and railway cars, and in the fabrication of metal products generally.

* 5 F.R. 2375.

According to information furnished the Commission, the sales volume of such machines and related parts or equipment is approximately \$6,000,000, annually.

The proceeding for the establishment of trade practice rules was instituted upon application of the industry. In the course thereof a trade practice conference, under the auspices of the Commission, was held in Chicago, Illinois. Subsequently, a draft of proposed rules for the industry was made available, upon public notice issued by the Commission, to all interested or affected parties, whereby they were afforded opportunity to present their views to the Commission, including such pertinent information, suggestions, or objections as they desired to submit, and to be heard in the premises. Accordingly, public hearing pursuant to such notice was held in Washington, D. C., on July 12, 1940. Thereafter, and upon consideration of the entire matter, final action was taken by the Commission whereby it approved and received, respectively, the rules appearing herein under Group I and Group II.

THE RULES

These rules promulgated by the Commission are designed to foster and promote the maintenance of fair competitive conditions in the interest of the industry and the public. Their operation is to be directed toward this end and is not to permit of the use of any practice which suppresses competition, restrains trade, fixes or controls price through combination or agreement, or which otherwise injures, destroys, or prevents competition.

Group I

Unfair trade practices which are embraced in these Group I rules are considered to be unfair methods of competition, unfair or deceptive acts or practices, or other illegal practices, prohibited under laws administered by the Federal Trade Commission, as construed in the decisions of the Commission or the courts; and appropriate proceedings in the public interest will be taken by the Commission to prevent the use, by any person, partnership, corporation, or other organization subject to its jurisdiction, of such unlawful practices in or directly affecting interstate commerce.

§ 149.1 *Misrepresentation of industry products.* It is an unfair trade practice to make or publish, or cause to be made or published, directly or indirectly, any false, misleading, or deceptive statement or representation, by way of advertisement or otherwise, concerning the size, style, strength of union effected, circuit requirements, performance, equipment, character, durability, finish, material, origin, construction, manufacture, or distribution of any products of the industry or concerning any component of such products, or in any other material respect. [Rule 1]

§ 149.2 *Misbranding.* It is an unfair trade practice to falsely or deceptively

mark, brand, or label welding machines or other products of the industry with any word, phrase, name, mark, label, picture, design, device, or other representation with respect to the size, style, strength of union effected, circuit requirements, performance, equipment, character, durability, finish, material, origin, construction, manufacture, or distribution of any such products of the industry, or concerning any component of such products, or in any other material respect. [Rule 2]

§ 149.3 *False invoicing.* It is an unfair trade practice to withhold from or insert in invoices any statements or information by reason of which omission or insertion a false record is made, wholly or in part, of the transactions represented on the face of such invoices, with the effect of thereby misleading or deceiving purchasers or prospective purchasers. [Rule 3]

§ 149.4 *Deception as to rebuilt or second-hand products.* (a) It is an unfair trade practice for any member of the industry to sell, offer for sale, advertise, or otherwise represent any welding machine, part therefor, or other product of the industry, as being new when such is not true in fact.

(b) In the marketing of rebuilt or second-hand welding machines, welding machine parts, or welding machines containing rebuilt or second-hand parts, it is an unfair trade practice to fail or refuse to make full and nondeceptive disclosure, by tag or label attached to the product, of the fact that such welding machines or parts are not new but are used, rebuilt, or secondhand, as the case may be, such failure or refusal to disclose having the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers. [Rule 4]

§ 149.5 *Misrepresentation as to character of business.* It is an unfair trade practice for any person, firm, or corporation to represent, directly or indirectly, that he or it is a welding machine manufacturer, or that he or it owns or controls a factory engaged in the manufacture of welding machines, when such is not the fact, or in any other manner to misrepresent the character, extent, or type of his or its business. [Rule 5]

§ 149.6 *Imitation of trade-marks, trade names, etc.* The imitation or simulation of the trade-marks, trade names, brands, or labels of competitors, with the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers, is an unfair trade practice. [Rule 6]

§ 149.7 *Inducing breach of contract.* It is an unfair trade practice to induce or attempt to induce the breach of existing lawful contracts between competitors and their customers, or their suppliers, by any false or deceptive means whatsoever, or to interfere with or obstruct the performance of any such contractual duties or services by any such means, with the purpose and effect of unduly hampering, injuring, or prejudicing competitors in their businesses. [Rule 7]

§ 149.8 *Substitution of products.* The practice of shipping or delivering products which do not conform to samples submitted, to specifications upon which the sale is consummated, or to representations made prior to securing the order, without the consent of the purchasers to such substitutions, or with the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers, is an unfair trade practice. [Rule 8]

§ 149.9 *Defamation of competitors or disparagement of their products.* The defamation of competitors by falsely imputing to them dishonorable conduct, inability to perform contracts, questionable credit standing, or by other false representations, or the false disparagement of competitors' products in any respect, or of their business methods, selling prices, values, credit terms, policies, or services, is an unfair trade practice. [Rule 9]

§ 149.10 *Procurement of competitors' confidential information by unfair means and wrongful use thereof.* It is an unfair trade practice for any member of the industry to obtain information concerning the business of a competitor by bribery of an employee or agent of such competitor, by false or misleading statements or representations, by the impersonation of one in authority, or by any other unfair means, and to use the information so obtained in such manner as to injure said competitor in his business or to suppress competition or unreasonably restrain trade. [Rule 10]

§ 149.11 *Commercial bribery.* It is an unfair trade practice for a member of the industry, directly or indirectly, to give, or offer to give, or permit or cause to be given, money or anything of value to agents, employees, or representatives of customers or prospective customers, or to agents, employees, or representatives of competitors' customers or prospective customers, without the knowledge of their employers or principals, as an inducement to influence their employers or principals to purchase or contract to purchase products manufactured or sold by such industry member or the maker of such gift or offer, or to influence such employers or principals to refrain from dealing in the products of competitors or from dealing or contracting to deal with competitors. [Rule 11]

§ 149.12 *Enticing away employees of competitors.* It is an unfair trade practice to wilfully entice away the employees of competitors with the purpose and effect of unduly hampering, injuring, or prejudicing competitors in their businesses. [Rule 12]

§ 149.13 *Consignment distribution.* It is an unfair trade practice for any member of the industry to employ the practice of shipping industry products on consignment or pretended consignment for the purpose and with the effect of artificially clogging or closing trade outlets and unduly restricting competitors' use of said trade outlets in getting their

products to consumers through regular channels of distribution, thereby injuring, destroying, or preventing competition or tending to create a monopoly or to unreasonably restrain trade. Nothing in this rule shall be construed as restricting or preventing consignment shipping or marketing of industry products in good faith where suppression of competition, restraint of trade, or undue interference with competitors' use of the usual channels of distribution is not effected. [Rule 13]

§ 149.14 (a) *Prohibited discriminatory prices, or rebates, refunds, discounts, credits, etc., which effect unlawful price discrimination.* It is an unfair trade practice for any member of the industry engaged in commerce,¹ in the course of such commerce, to grant or allow, secretly or openly, directly or indirectly, any rebate, refund, discount, credit, or other form of price differential, where such rebate, refund, discount, credit, or other form of price differential effects a discrimination in price between different purchasers of goods of like grade and quality, where either or any of the purchases involved therein are in commerce,¹ and where the effect thereof may be substantially to lessen competition or tend to create a monopoly in any line of commerce,¹ or to injure, destroy, or prevent competition with any person who either grants or knowingly receives the benefit of such discrimination, or with customers of either of them: *Provided, however,*

(1) That the goods involved in any such transaction are sold for use, consumption, or resale within any place under the jurisdiction of the United States;

(2) That nothing herein contained shall prevent differentials which make only due allowance for differences in the cost of manufacture, sale, or delivery resulting from the differing methods or quantities in which such commodities are to such purchasers sold or delivered;

(3) That nothing herein contained shall prevent persons engaged in selling goods, wares, or merchandise in commerce¹ from selecting their own customers in bona fide transactions and not in restraint of trade;

(4) That nothing herein contained shall prevent price changes from time to time where made in response to changing conditions affecting either (a) the market for the goods concerned, or (b) the marketability of the goods, such as, but

¹As here used, the word "commerce" means trade or commerce among the several States and with foreign nations, or between the District of Columbia or any Territory of the United States and any State, Territory, or foreign nation, or between any insular possessions or other places under the jurisdiction of the United States, or between any such possession or place and any State or Territory of the United States or the District of Columbia or any foreign nation, or within the District of Columbia or any Territory or any insular possession or other place under the jurisdiction of the United States: *Provided, That this shall not apply to the Philippine Islands.*

not limited to, actual or imminent deterioration of perishable goods, obsolescence of seasonal goods, distress sales under court process, or sales in good faith in discontinuance of business in the goods concerned.

(b) *Prohibited brokerage and commissions.* It is an unfair trade practice for any member of the industry engaged in commerce,¹ in the course of such commerce, to pay or grant, or to receive or accept, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, except for services rendered in connection with the sale or purchase of goods, wares, or merchandise, either to the other party to such transaction or to an agent, representative, or other intermediary therein where such intermediary is acting in fact for or in behalf, or is subject to the direct or indirect control, of any party to such transaction other than the person by whom such compensation is so granted or paid.

(c) *Prohibited advertising or promotional allowances, etc.* It is an unfair trade practice for any member of the industry engaged in commerce² to pay or contract for the payment of advertising or promotional allowances or any other thing of value to or for the benefit of a customer of such member in the course of such commerce as compensation or in consideration for any services or facilities furnished by or through such customer in connection with the processing, handling, sale, or offering for sale, of any products or commodities manufactured, sold, or offered for sale by such member, unless such payment or consideration is available on proportionally equal terms to all other customers competing in the distribution of such products or commodities.

(d) *Prohibited discriminatory services or facilities.* It is an unfair trade practice for any member of the industry engaged in commerce² to discriminate in favor of one purchaser against another purchaser or purchasers of a commodity bought for resale, with or without processing, by contracting to furnish or furnishing, or by contributing to the furnishing of, any services or facilities connected with the processing, handling, sale, or offering for sale, of such commodity so purchased upon terms not accorded to all purchasers on proportionally equal terms.

(e) *Inducing or receiving an illegal discrimination in price.* It is an unfair trade practice for any member of the industry engaged in commerce,² in the course of such commerce, knowingly to induce or receive a discrimination in price which is prohibited by the foregoing provisions of this Rule 14.

(f) *Purchases by schools, colleges, universities, public libraries, churches, hospitals, and charitable institutions not operated for profit.* The foregoing provisions of this Rule 14 relate to practices

within the purview of the Robinson-Patman Antidiscrimination Act, which Act and the application thereunder of this Rule 14 are subject to the limitations expressed in the amendment to such Robinson-Patman Antidiscrimination Act, which amendment was approved May 26, 1938, and reads as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That nothing in the Act approved June 19, 1936 (Public Numbered 692, Seventy-fourth Congress, second session), known as the Robinson-Patman Antidiscrimination Act, shall apply to purchases of their supplies for their own use by schools, colleges, universities, public libraries, churches, hospitals, and charitable institutions not operated for profit.

(52 Stat. 446; Supp. 4 U.S.C. Title 15, Sec. 13c) [Rule 14]

§ 149.15 *Aiding or abetting use of unfair trade practices.* It is an unfair trade practice for any person, firm, or corporation to aid, abet, coerce, or induce another, directly or indirectly, to use or promote the use of any unfair trade practice specified in these rules. [Rule 15]

Group II

Compliance with the trade practice provisions embraced in Group II rules is considered to be conducive to sound business methods and is to be encouraged and promoted individually or through voluntary cooperation exercised in accordance with existing law. Nonobservance of such rules does not, *per se*, constitute violation of law. Where, however, the practice of not complying with any such Group II rules is followed in such manner as to result in unfair methods of competition, or unfair or deceptive acts or practices, corrective proceedings may be instituted by the Commission as in the case of a violation of Group I rules.

Rule A—Repudiation of contracts. Lawful contracts are business obligations which should be performed in letter and in spirit. The repudiation of contracts by sellers on a rising market or by buyers on a declining market is condemned by the industry.

Promulgated and issued by the Federal Trade Commission as of August 16, 1940.

[SEAL]

OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 40-3425; Filed, August 16, 1940; 11:30 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

General Land Office.

STOCK DRIVEWAY WITHDRAWAL No. 260

COLORADO NO. 25

AUGUST 6, 1940.

It appearing that the following-described public land in Colorado is nec-

essary for the purpose, it is ordered, under and pursuant to the provisions of section 7 of the act of June 28, 1934, 48 Stat. 1269, as amended by the act of June 26, 1936, 49 Stat. 1976, and section 10 of the act of December 29, 1916, 39 Stat. 862, as amended by the act of January 29, 1929, 45 Stat. 1144, that such land, excepting any mineral deposits therein, be, and it is hereby, withdrawn from all disposal under the public-land laws and reserved for the use of the general public as a stock driveway, subject to valid existing rights:

Sixth Principal Meridian

T. 12 N., R. 89 W.,
lot 7 sec. 21, 40.63 acres.

Any mineral deposits in the land shall be subject to location and entry only in the manner prescribed by the Secretary of the Interior in accordance with the provisions of the aforesaid act of January 29, 1929, and existing regulations.

OSCAR L. CHAPMAN,
Assistant Secretary of the Interior.

[F. R. Doc. 40-3422; Filed, August 16, 1940; 10:01 a. m.]

STOCK DRIVEWAY WITHDRAWAL No. 254

NEW MEXICO NO. 14, ENLARGED

AUGUST 6, 1940.

It appearing that the following-described public lands should be added to and made a part of Stock Driveway Withdrawal No. 254, New Mexico No. 14, it is ordered, under and pursuant to the provisions of section 7 of the act of June 28, 1934, 48 Stat. 1269, as amended by the act of June 26, 1936, 49 Stat. 1976, and section 10 of the act of December 29, 1916, 39 Stat. 862, as amended by the act of January 29, 1929, 45 Stat. 1144, that such lands, excepting any mineral deposits therein, be, and they are hereby, withdrawn from all disposal under the public-land laws and reserved for the use of the general public as an addition to such driveway reservation, subject to valid existing rights:

New Mexico Principal Meridian

T. 31 N., R. 11 E.,
W $\frac{1}{2}$ E $\frac{1}{2}$ sec. 23;
T. 30 N., R. 12 E.,
SE $\frac{1}{4}$ SE $\frac{1}{4}$ sec. 30, E $\frac{1}{2}$ NE $\frac{1}{4}$ sec. 31; aggregating 280 acres.

Any mineral deposits in the lands shall be subject to location and entry only in the manner prescribed by the Secretary of the Interior in accordance with the provisions of the aforesaid act of January 29, 1929, and existing regulations.

OSCAR L. CHAPMAN,
Assistant Secretary of the Interior.

[F. R. Doc. 40-3421; Filed, August 16, 1940; 10:01 a. m.]

FEDERAL SECURITY AGENCY.

Food and Drug Administration.

[F. D. C. Docket No. 23]

IN THE MATTER OF PROPOSALS TO AMEND THE DEFINITIONS AND STANDARDS OF IDENTITY FOR CANNED APRICOTS, CANNED CHERRIES, CANNED PEACHES, AND CANNED PEARS

NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held as provided by subsection (e) of section 701 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. sec. 371) upon proposals to amend the respective regulations fixing and establishing definitions and standards of identity for canned peaches, canned apricots, canned pears, and canned cherries (§§ 27.000, 27.010, 27.020, 27.030; 4 F.R. 4921; 5 F.R. 94, 99, 104).

The proposals are that such regulations be amended in the following respects.

(1) To prescribe additional optional liquid packing media of suitable compositions, including such media as are prepared with invert sugar sirup or corn sirup, singly or in combination with other saccharine substances.

(2) To revise the specifications of composition prescribed by such regulations for optional liquid packing media, including deletion of the requirements that such media prepared with refined sugar (sucrose) and refined corn sugar (dextrose) be adjusted to refined sugar (sucrose) equivalents.

(3) To designate optional liquid packing media, prescribed by such regulations and any amendment thereto, which shall be named on the label.

(4) To revise the alphabetical and numerical designations of the subsections and other subdivisions of such regulations and otherwise to simplify and clarify such regulations by editorial changes.

The hearing will begin at 10 A. M. on September 16, 1940, in Room 1039, South Building, Independence Avenue between 12th and 14th Streets SW., Washington, D. C.

All interested persons are invited to attend the hearing, in person or by representative, and to offer evidence relevant and material to such proposals which is additional to the evidence in the records upon the basis of which such regulations were promulgated.

Mr. Michael F. Markel is hereby designated as presiding officer to conduct the hearing, in the place of the Administrator, in accordance with the rules of practice published in the FEDERAL REGISTER June 26, 1940 (5 F.R. 2379; 2381).

The proposals are subject to adoption, rejection, or amendment by the Administrator, in whole or in part, as the evidence adduced at the hearing may require.

PAUL V. McNUTT,
Administrator.

AUGUST 16, 1940.

[F. R. Doc. 40-3432; Filed, August 16, 1940; 12:33 p. m.]

